IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 1994 of 2004(K)

PETITIONER:

T.V.SARALA, AGED 39 YEARS,
W/O. LATE P.V.VIJAYAN, REMYA NIVAS,
NAREEKAMVALLY POST, KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN,
SRI.TOJAN J. VATHIKULAM.

RESPONDENTS:
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1. **NORTH MALABAR GRAMIN BANK, REPRESENTED BY ITS CHAIRMAN, HEAD OFFICE, KANNUR DISTRICT**

2. **THE GENERAL MANAGER, PERSONNEL ADMINISTRATOR AND INDUSTRIAL RELATIONS DEPARTMENT, NORTH MALABAR GRAMIN BANK, KANNUR.**

BY ADV. SRI.R.S.KALKURA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.1994/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE SCHEME ALONGWITH THE CIRCULAR DTD. 19/08/2002.

EXT.P.2: COPY OF THE COMMUNICATION DTD. 02/04/2003.

EXT.P.3: COPY OF THE REPRESENTATION SUBMITTED TO THE CHAIRMAN.

EXT.P.4: COPY OF THE RECRUITMENT NOTICE FOR THE POST OF MESSENGER-CUM-SWEEPER IN THE .1.

RESPONDENT'S EXHIBIT:

EXT. R1.A: COPY OF THE CIRCULAR DTD. 17/07/1996.

//TRUE COPY//

P.A. TO JUDGE

prv.

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.1994 OF 2004

Dated this the 27th day of July, 2007

JUDGMENT

Petitioner challenges Ext.P2.

2. Petitioner is the widow of one Vijayan who died on 25.9.2002 while serving the first respondent. Her request of compassionate appointment has been rejected as per the impugned Ext.P2 order stating that her pecuniary condition, arrived as per the guidelines, does not fulfill the criteria for appointment under the scheme. However, Ext.P2 does not show the method of calculation for the purpose of arriving at such a decision. She made Ext.P3 representation to the Chairman of the Bank. It is submitted that no decision has been taken by the respondent after hearing the petitioner.

3. In the counter affidavit, a calculation is shown in para 9 thereof. The assets and liabilities, on being reconciled, is shown to provide a total monthly income of Rs.3,516.70. Learned

counsel for the petitioner points out that the calculation in para 9 can be easily shown as either not relatable to the late husband of the petitioner or that the total monthly income is much below the bench mark prescribed as per Ext.P1.

4. In the aforesaid circumstances, without expressing anything on merits, the first respondent is directed to ensure that Ext.P3 is taken up, considered and disposed of by the competent authority in accordance with law, after affording the petitioner an opportunity of being heard. Let that be done within an outer limit of three months from the date of receipt of a copy of this judgment. All other questions are left open.

The writ petition is allowed to the above extent.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.